

104TH CONGRESS
2D SESSION

S. 1598

To provide that professional sports teams relocating to different communities shall lose trademark protection with respect to team names, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7 (legislative day, MARCH 6), 1996

Mr. GLENN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide that professional sports teams relocating to different communities shall lose trademark protection with respect to team names, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sports Heritage Act
5 of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) communities make significant public invest-
9 ments in order to host a professional sports team;

1 (2) professional sports teams often remain in
2 communities for generations and their names and
3 colors become associated with the community and
4 are a source of local pride;

5 (3) the names of professional sports teams de-
6 velop an historical legacy within a community which
7 is passed on from generation to generation;

8 (4) the names of professional sports teams are
9 frequently linked to characteristics or histories
10 unique to the community in which the team is lo-
11 cated;

12 (5) relocation of professional sports teams nega-
13 tively impacts the economic health and development
14 of communities deprived of the jobs and revenues as-
15 sociated with the team and related sports industry;
16 and

17 (6) professional sports teams travel interstate
18 in order to play games and have a substantial im-
19 pact on interstate commerce through broadcast,
20 cable, and satellite transmission of games; through
21 marketing of uniforms, sports equipment, and asso-
22 ciated memorabilia; and through the food vending,
23 entertainment and the hotel industries.

24 **SEC. 3. DEFINITIONS.**

25 For the purposes of this Act, the term—

1 (1) “community” means—

2 (A) with respect to a professional sports
3 team that is a member of a league or associa-
4 tion described under paragraph (2) on January
5 1, 1996, the geographic area within which such
6 team operates and plays a majority of home
7 games as defined in any agreement governing
8 the relevant league or association in effect on
9 such date; and

10 (B) with respect to a professional sports
11 team that—

12 (i) is not a member of a league or as-
13 sociation described under paragraph (2) on
14 January 1, 1996, and

15 (ii) plays home games in an area for
16 a period of more than 10 years,
17 the geographic area within which such team op-
18 erates and plays a majority of home games as
19 defined in any agreement governing the relevant
20 league or association;

21 (2) “professional sports team” means any busi-
22 ness entity that is a member of—

23 (A) the American League or National
24 League of Major League Baseball;

25 (B) the National Football League;

1 (C) the National Basketball Association; or

2 (D) the National Hockey League; and

3 (3) “team identity” means the name, logo, col-
 4 ors, or any design of a professional sports team
 5 which is subject to protection under the Act of July
 6 5, 1946 (chapter 540) (commonly referred to as the
 7 Trademark Act of 1946).

8 **SEC. 4. LOSS OF TRADEMARK PROTECTION FOR RELOCAT-**
 9 **ING TEAM.**

10 (a) IN GENERAL.—If a professional sports team relo-
 11 cates to another community, such team may not enforce
 12 any right, interest, or privilege under the Act of July 5,
 13 1946 (chapter 540) (commonly referred to as the Trade-
 14 mark Act of 1946) with respect to the team identity used
 15 on the date 1 year before the date of the relocation.

16 (b) EXCEPTIONS.—This section shall not apply to
 17 any professional sports team that—

18 (1) is located in a community and plays home
 19 games in such community for a period of less than
 20 10 years immediately preceding the date of a reloca-
 21 tion; or

22 (2) is provided a written approval of a reloca-
 23 tion of the team, from the chief executive officer of
 24 the local government of the area in which the team’s
 25 playing facility is located.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act shall take effect on the date of enactment
3 and shall apply only to any professional sports team that
4 relocates to another community after such date.

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